REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 41-43 and 48-68 are pending in the present Application. Claims 41, 48, 53, 55, 60, 62, 67, and 68 have been amended and find support in the specification at least at page 30, line 9. No new matter is added.

By way of summary, the Official Action presents the following issues: Claims 41, 67, and 68 stand objected to under 37 C.F.R. § 1.75 allegedly being a substantial duplicate of Claim 48; Claim 53 stands objected to under 37 C.F.R. § 1.75 allegedly being a substantial duplicate of Claim 55; Claim 60 stands objected to under 37 C.F.R. § 1.75 allegedly as being a substantial duplicate of Claim 62; Claims 41-43 and 48-68 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly failing to comply with the written description requirement; Claims 41-43 and 48-68 stand rejected under 35 U.S.C. § 112, second paragraph, allegedly being indefinite; Claims 41-43 and 48-68 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bieganski et al. (U.S. Patent No. 6,412,012, hereinafter Bieganski) in view of Medina et al. (U.S. Patent No. 6,959,288, hereinafter Medina).

OBJECTION TO THE CLAIMS

The outstanding Official Action has objected to Claims 41, 67, and 68 under 37 C.F.R. § 1.75 allegedly being a substantial duplicate of Claim 48. Applicants respectfully traverse the rejection.

At the outset, Applicants note that MPEP § 706.03(k) states as follows:

> [Id.] It is proper after allowing one claim to object to the other claim under 37 C.F.R. § 1.75 as being a substantial duplicate of the allowed claim.

As no claim currently stands allowed, or allowable, Applicants respectfully submit that this objection is premature. Nevertheless, Applicants provide a further discussion outlining the differences between the allegedly duplicate claims identified in the objection.

With respect to Claims 41, 67, 68, and 48, Claim 48 recites a recording unit, which is configured to record, *inter alia*, "related data about the group of contents." Claim 41 recites no such limitation. With respect to Claims 48 and 67, Claim 48 recites computing a weight-related to a "number of checkouts," Claim 68 utilizes a broader recitation of computing a weight based upon "a number of transferring each of the content." With respect to Claims 68 and 48, Claim 68 is in a different statutory class than Claim 48. Accordingly, none of these claims are substantially duplicative with respect to another.

With respect to Claims 53 and 55, Claim 55 recites computing a weight based upon "related data." As Claim 53 recites no such limitation, these claims are not substantial duplicates.

With respect to Claims 60 and 62, Claim 62 recites computing a weight based upon "related data." As Claim 60 recites no such limitation, Claims 60 and 62 are not substantial duplicates.

Accordingly, Applicants respectfully request that this objection be withdrawn.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The outstanding Official Action has rejected Claims 41-43 and 48-68 under 35 U.S.C. § 112, first paragraph, allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

As explained in detail in the Amendment, filed February 27, 2006, at page 13, multiple filtering packages, such as those titled "Ten Best Pops" and "Ten Best Rock and Rolls" may be created based on corresponding filtering data. Because the information of a

song in one of these packages, such as the song ID can be shared by the two filtering packages, this content may belong to both filtering packages at any given time.[1] Thus, the specification provides clean support for the claim language "to create at least two filtering packages based on the at least two filtering data sets. . . at any given time," as recited in Claims 41, 48, 53, 55, 60, 62, 67, and 68.

To the extent that the current rejection is seeking an "explicit" disclosure of the claim terms, Applicants note that no such word-for-word correspondence is required under 35 U.S.C. § 112, first paragraph. An invention claimed need not be described ipsis verbis in the specification in order to satisfy the disclosure requirements of 35 U.S.C. § 112 (*See* Ex Parte Hope, 19 U.S.P.Q. 2d. 1211 (Bd. Pat. Appl. & Inter. 1991).

Accordingly, Applicants respectfully request that the rejection of Claims 41-43 and 48-68 under 35 U.S.C. § 112, first paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The outstanding Official Action has rejected Claims 41-43 and 48-68 under 35 U.S.C. § 112, second paragraph, allegedly being indefinite. Applicants respectfully traverse the rejection.

The Official Action contends at page 4 that the terminology "configured to" renders Claims 41-43 and 48-68 indefinite. In this regard, Applicants note that the term "configured to" is well-known terminology in the art for qualifying the functionality of a general purpose computing device. In other words, as noted at page 15 of the specification, a personal computer may be employed for executing predetermined programs in accordance with the exemplary advancements described therein. For example, a content management program

[1] *See* Specification at pages 29, lines 2-3; page 30, line 1 to page 31, line 12; page 50, line 13 to page 51, line 10, and Fig. 9.

(111), an EMD selection program (131), an encryption program (135) and the like, may be provided to a CPU of the personal computer. As described at pages 16-20 of the Applicants' specification, these programs are installed to the CPU for configuring the CPU from a general purpose computer to a computer in accordance with the Applicants' claimed advancements.[2]

As Applicants' specification clearly, and unambiguously, lays out the method by which general purpose computing devices are configured in accordance with the Applicants' advancements, and, the programming of general computing devices to perform a specified function, is well known in the art, Applicants respectfully request that the rejection of Claims 41-43 and 48-68 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claims 41-43 and 48-68 under 35 U.S.C. § 103 as being unpatentable over Bieganski in view of Medina. The Official Action contends that Bieganski describes all of the Applicants' claimed features, with the exception of a selection unit configured to create at least two filtering packages . . . However, the Official Action cites Medina as describing this more detailed aspect of the Applicants' claimed advancement and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references to arrive at the Applicants' claims. Applicants respectfully traverse the rejection.

Applicants' amended Claim 41 recites, *inter alia*, an information processor having a group of contents stored therein, including:

> ... a computing unit configured to compute a weight related to a number of checkouts per each of the contents based on both the history data and one of the at least two filtering data sets, the computing unit receiving input from a user to edit the at least two filtering data sets;

[2] *Also see* Application at page 73, lines 6-21.

> a selecting unit configured to select a content from the group of contents based on the weight computed by the computing unit and to create at least two filtering packages containing the content selected based on the at least two filtering data sets, each of the at least two filtering packages includes information identifying the content selected, and the information identifying the content is capable of being shared by the at least two filtering packages so as to allow the content to belong to both the at least two filtering packages at any given time; and
>
> a displaying unit configured to display a list including at least a title of the content selected in the information identifying the content selected by the selecting unit.

Bieganski describes a system and associated method of recommending products to a consumer. As shown in Fig. 2, a compatibility modifier (200) uses a recommendation set (201) in conjunction with a set of item compatibility roles (204). Optional sets, such as shopping set (202) and history set (205), may be used in combination with the recommendation set (201) to determine a recommendation of products to a user.[3] In accordance with this system, recommendations are made, such as when a consumer purchases a wok, a Chinese cookbook may be recommended. Likewise, based on historical dataset (203) for recording the type of camera owned by a user for the purposes of predicting which film and/or batteries to recommend.[4]

Medina describes a secure digital content electronic distribution system. The control of content usage is enabled through an end user application (195) running on an end user device. To this end, electronic digital content storage (103) are provided to market content (113) through a wide variety of services or applications.[5] The electronic digital content storage (103) may employ tools provided by the secure digital content electronic distribution

[3] Bieganski at Fig. 2; column 7, lines 10-25.
[4] Bieganski at column 8, lines 13-14; column 8, lines 28-31.
[5] Medina at column 10, lines 29-35; column 12, lines 53-56.

system (100), such as retail business offers, purchase price, pay per lesson price, copy authorization, and target device types, or time-availability restrictions.[6]

Conversely, in an exemplary embodiment of the Applicants' invention, an information processor, such as a PC, is provided having a group of contents stored therein. A recording unit of the information processor records history data indicative of usage history of the group of contents. Likewise, the recording unit records at least two filtering data sets, intended for computation of a weight per each of the contents. A computing unit is configured to compute a weight related to a number of check outs per each of the contents based on both the history data and one of the at least two filtering data sets. The computing unit receives input from a user to edit the at least two filtering data sets. A selecting unit selects content from the group of contents based on the weight computed by the computing unit to create at least two filtering packages based upon the at least two filtering data sets. Each of the at least two filtering packages includes information identifying the content selected, and the information identifying the content is capable of being shared by at least two filtering packages, so as to allow the content to belong to both the at least two filtering packages at any given time. A display unit displays a list including at least a title of the content selected and the information identifying the content by the selecting unit.

For example, referring to the non-limiting embodiment of the present invention described in the specification, the two filtering packages titled "Ten best pops" and "Ten Best rock 'n' roll's" are created based on the corresponding filtering data sets. Each of the two filtering packages includes the information, such as the song ID, identifying the song selected by the selecting unit based on the weight computed by the computing unit. Additionally, a user may edit the Ten Best rock 'n'

[6] Medina at column 13, lines 1-9.

roll's directly. Because the information of the song, such as the song ID, can be shared by the two filtering packages titled "Ten best pops" and "Ten Best rock 'n' roll's," the song can belong to both "Ten best pops" and "Ten Best rock 'n' roll's" at any given time. [7]

Neither Bieganski nor Medina alone, or in combination, disclose providing at least two filtering packages of selected content to an operably linked device for reproduction of the content selected, wherein the at least two filtering data sets may be edited by a user as recited in amended Claim 41, or any claim depending therefrom.

The combined teachings of the cited references are also not believed to render obvious the features of the invention recited in Claims 48, 53, 55, 60 and 62 at least for the above reasons advanced for amended Claim 41 to the extent that Claims 48, 53, 55, 60 and 62 are amended similarly to Claim 41.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent Claims 41, 48, 53, 55, 60 and 62, and the claims dependent therefrom, based on the combined teachings of Bieganski and Medina.

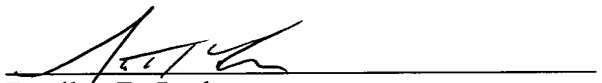
[7] See the present specification at page 30, line 1 to page 31, line 12, page 50, line 13 to page 51, line 10, and Fig. 9, for example.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 41-43 and 48-68, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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